

Washington, DC -- Upstate Representatives continued their fight against NYRI's power line proposal today with an amendment to the Energy Act offered by U.S. Representative Michael A. Arcuri (D-Utica) and fellow New York Representatives Maurice Hinchey (D-Hurley) and John Hall (D-Dover Plains), which further increased the national profile of this local issue and garnered support from lawmakers from across the country.

"I have been fighting NYRI's devastating plan everyday since I arrived in Washington. During that time, we have succeeded in turning our local fight against NRYI into a national issue as more and more Representatives recognize this could happen in their backyards," **said Arcuri, who led the debate on the floor of the House**

. "Our fight is not over, and today we were able to gain important downstate allies in the fight against NYRI's plan to knife a scar through our backyards and our communities."

"I stand in strong support of this amendment and I stand here speaking here for my constituents at the Mount Hope church in Orange County, New York, whose right of way to their church will be cut off by a 130-foot high tower for the power line that will be stuck in their driveway," **said Hall on the floor of the House**

. "In the name of property rights and in the name of states' rights and due process and protecting ordinary Americans from having their rights run over by some distant federal agency that they don't understand, I plead for support of this amendment."

"I am disappointed the House rejected our amendment, but the fight to stop the Department of Energy from moving forward with these so-called 'National Interest Electric Transmission Corridors' is far from over," **Hinchey said**. "States have done just fine in siting and permitting power line projects on their own and don't need the federal government to tell them what to do. We must not allow these powerful energy companies to simply come into town, seize private property, and construct massive power lines that will generate billions of dollars for them while the quality of life for residents is severely compromised. That's not what this country is about."

Arcuri introduced the amendment, along with fellow Representatives Maurice Hinchey (D-Hurley) and John Hall (D-Dover Plains), to the New Direction for Energy Independence, National Security, and Consumer Protection Act (H.R. 3221) which is to passed the House of Representatives today. The amendment, which had the support of Governor Spitzer as well as national environmental groups, was not adopted.

The amendment offered by Arcuri, Hinchey and Hall would have prevented energy companies from using federal eminent domain power to condemn private property. The company would have been forced to use the state eminent domain process. Because of the revisions of the state eminent domain law signed by Governor Pataki in 2006, NYRI would then have been unable to use New York's eminent domain procedures – leaving them without any eminent domain power to take private property.

In June, an amendment was introduced by Hinchey and Rep. Frank Wolf (R-VA), and supported by Arcuri and Hall that would have prohibited DOE from using funds to designate any geographic area as a national interest electric transmission corridor.

In February, Arcuri, Hall, and Hinchey introduced two pieces of legislation which would effectively block NYRI from being able to use federal eminent domain law to condemn private property along the proposed route.

Arcuri also successfully amended the Rail & Public Transportation Security Act to require the Departments of Homeland Security and Transportation to evaluate the safety and security of placing high voltage direct current electric transmission power lines along active railroad rights-of-way.

A copy of Arcuri's remarks in support of the amendment during debate on the House floor, as prepared for delivery, is included below.

U.S. Rep. Michael A. Arcuri (NY-24)
In the House of Representatives
Arcuri Amendment to H.R. 3221
OPENING

August 4, 2007

Mr. Chairman, many of my colleagues know I disagree with the underlying premise of section 1221 of the Energy Policy Act of 2005, which allows federal regulators to approve power line projects that states have considered and rejected. I understand that my view on that subject is not shared by a majority of the members of this body, and so I am not here today to ask my colleagues to vote to change the process by which the federal government can approve these projects under the Federal Power Act.

Instead, my amendment would remove the right of a company with a project that has already been approved by FERC to use the federal government's supreme power of eminent domain to take private property from landowners who refuse to grant the company an easement to build on their land. Contrary to what opponents claim -- my amendment would not leave an approved company without any recourse at all.

No, instead it would merely require the approved company to follow the existing state law procedure for obtaining a right-of-way. Most, if not all states, have laws that help companies with approved power projects obtain the necessary rights-of-way, and these laws work, and they have worked well for a number of years. I know of no power line project - anywhere in the country - that has ever failed to be completed once it had been approved and the company held the necessary permits to begin construction.

One last time, this amendment does not make any change to the approval or permitting procedures established by section 1221. We understand that there are serious energy needs facing this country that must be addressed swiftly and judiciously. All this amendment does is prevent an already approved company from using FEDERAL eminent domain to drag a property owner into federal court and take his land. That is a supreme power of the federal government, and one which I believe a majority of the members would agree should not be delegated to a private company.

Thank you, I reserve the balance of my time.

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Mr. Chairman, at this time I yield 60 seconds to my good friend and fellow New Yorker, Mr. Hall.

Mr. Chairman, at this time I yield 90 seconds to another fellow New Yorker, Mr. Hinchey, who has led the charge in Congress on this and many other important issues.

U.S. Rep. Michael A. Arcuri (NY-24)
In the House of Representatives
Arcuri Amendment to H.R. 3221
CLOSING

August 4, 2007

Mr. Chairman, again this amendment would in NO way prohibit companies from constructing electric transmission lines. The amendment simply requires companies to utilize the property acquisition process that has always been in place.

I urge my colleagues on both sides of the aisle to join me in protecting the rights of private property owners, while meeting our nation's growing energy needs.

I urge a "yes" vote on the amendment, and I yield the balance of my time.

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